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Attorneys for Plaintiff Brandon Johnson,  
Individually and on behalf of all others similarly situated

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

Brandon Johnson, individually and  
on behalf of all others similarly  
situated,

Plaintiff,

vs.

Siemens Industry, Inc.,

Defendant.

**CLASS ACTION COMPLAINT FOR  
VIOLATIONS OF FAIR LABOR  
STANDARDS ACT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Brandon Johnson, individually and on behalf of all others similarly  
2 situated, alleges as follows:

3 **NATURE OF ACTION AND INTRODUCTORY STATEMENT**

4 1. Plaintiff Brandon Johnson ("Plaintiff") is an individual who worked for  
5 Defendant Siemens Industry, Inc. ("Defendant"). He brings this action on behalf of  
6 himself individually and a putative class of commissioned employees working  
7 nationwide.

8 2. Defendant is in the business of developing and manufacturing technology  
9 in the industry, infrastructure, mobility and healthcare sectors nationwide.

10 3. Through this action, Plaintiff alleges that Defendant has engaged in a  
11 systematic pattern of wage and hour violations under the Fair Labor Standards Act, 29  
12 U.S.C. § 201 et. seq. ("FLSA").

13 4. Plaintiff brings this action based on Defendant's failure to maintain a  
14 policy that compensates its employees for all overtime wages. On information and  
15 belief, there are many similarly situated current and former commissioned employees  
16 misclassified as exempt by Defendant who have not been paid for all hours worked  
17 over forty (40) in a workweek, in violation of the FLSA.

18 5. Plaintiff brings this lawsuit seeking monetary relief against Defendant on  
19 behalf of himself and all others similarly situated to recover, among other things,  
20 unpaid overtime, liquidated damages, interest, attorneys' fees, costs, and penalties  
21 pursuant to the FLSA.

22 **JURISDICTION AND VENUE**

23 6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331,  
24 because this complaint alleges claims under the laws of the United States, specifically  
25 the FLSA.

26 7. The United States District Court for the Northern District of California  
27 has personal jurisdiction over Defendant because many of the acts complained of and  
28 giving rise to the claims alleged took place in California and in this District.

**THE PARTIES**

8. Plaintiff was a citizen of California when he worked for Defendant. Plaintiff worked for Defendant from approximately October of 2019 to February of 2022. Details regarding Plaintiff's precise hours, pay, and revenue generated for Defendant are available by reference to Defendant's records.

9. Plaintiff is informed and believes, and thereon alleges, that Defendant at all times hereinafter mentioned, were are employers as defined in and subject to the FLSA.

**COLLECTIVE ACTION ALLEGATIONS**

10. Plaintiff brings this action pursuant to the FLSA, 29 U.S.C. § 216(b), on behalf of himself and all similarly situated employees classified as exempt from overtime who have worked for Defendant as commissioned employees nationwide in the past three (3) years who elect to opt into this action ("the FLSA Class").

11. Defendant is liable under the FLSA for, inter alia, failing to properly compensate Plaintiff and other commissioned employees. On information and belief, there are many similarly situated current and former commissioned employees who have not been paid for all hours worked over forty (40) in a workweek in violation of the FLSA who would benefit from the issuance of a court-supervised notice regarding the present lawsuit and the opportunity to join it. Those similarly situated employees are known to Defendants, are readily identifiable, and can be located through Defendants' records, such that notice should be sent to them pursuant to 29 U.S.C. § 216(b).

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**FIRST CAUSE OF ACTION**

**FAILURE TO PAY OVERTIME WAGES**

**(Violation of 29 U.S.C. § 207, 211 & 29 C.F.R. § 516.2(b))**

12. Plaintiff hereby re-alleges and incorporates by reference all paragraphs above as though fully set forth herein.

13. At all relevant times, Defendant has been an employer and Plaintiff and its employees have been employees under federal law entitled to the protections of the FLSA.

14. The FLSA requires employers to keep accurate records of hours worked and wages paid, among other information, and to provide these records to their employees. 29 U.S.C. § 211(c); 29 C.F.R. § 516.2(b). Defendant's practices and policies were violations of these requirements.

15. Although Plaintiff and putative FLSA members worked more than forty (40) hours in a week, Defendant had a policy and practice of failing and refusing to pay employees overtime and thus violated and continues to violate the above-referenced overtime provisions of the FLSA.

16. For example, Plaintiff worked at least 50 hours a week every week from May of 2021 through August of 2021.

17. Plaintiff and FLSA members were improperly classified as exempt from overtime by Defendant, as they do not qualify for any of the overtime exemptions under the law.

18. Moreover, Defendant's payroll records reflect that Defendant did not keep record of the hours Plaintiff or putative class members worked in violation of 29 U.S.C. § 211(c) and 29 C.F.R. § 516.2(b).

19. Consequently, Plaintiff and FLSA Members seek the amount of the respective unpaid wages owed to them, liquidated damages, attorneys' fees and costs pursuant to 29 U.S.C. §§ 201 *et seq.*, and such other legal and equitable relief as the Court deems just and proper.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, on behalf of himself and all others similarly situated, prays for judgment against Defendant as follows:

1. For certification of this action as a class action, including certifying the FLSA Class alleged by Plaintiff;
2. For appointment of Brandon Johnson as the class representative;
3. For appointment of Lebe Law, APLC as class counsel for all purposes;
4. For compensatory damages in an amount according to proof with interest thereon;
5. For economic and/or special damages in an amount according to proof with interest thereon;
6. For all unpaid overtime, interest, attorneys' fees, costs and penalties pursuant to the FLSA;
7. For liquidated damages pursuant to the FLSA;
8. For reasonable attorneys' fees, costs of suit and interest to the extent permitted by law, including pursuant to the FLSA;
9. For pre-judgment interest; and
10. For other relief as the Court deems just and proper.

Dated: April 3, 2023

**LEBE LAW, APLC**

By: /s/ Jonathan M. Lebe  
Jonathan M. Lebe  
Shigufa Saleheen  
Brielle D. Edborg  
Attorneys for Plaintiff Brandon Johnson,  
individually and on behalf of all others  
similarly situated

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial with respect to all issues triable of right by jury.

Dated: April 3, 2023

**LEBE LAW, APLC**

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**CONSENT TO SUE UNDER THE FAIR  
LABOR STANDARDS ACT BY  
BRANDON JOHNSON**

**CONSENT TO SUE UNDER THE FLSA**

I, Brandon Johnson, hereby consent to be a plaintiff in an action under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, to secure any unpaid wages, overtime pay, liquidated damages, attorneys' fees, costs and other relief arising out of my employment with Siemens Industry, Inc. and other associated parties.

I authorize Lebe Law, APLC, and any associated attorneys as well as any successors or assigns to represent me in such action.

DATED: Mar 27, 2023

By:   
Brandon Johnson (Mar 27, 2023 15:20 PDT)

Brandon Johnson